

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., S.W.
Washington, D.C. 20554

April 2, 2019

Copies sent by E-mail

ORDER ON CONSENT MOTION

MAW Communications, Inc.,)
)
Complainant,)
)
)
v.) Proceeding Number 19-29
) Bureau ID Number EB-19-MD-001
)
PPL Electric Utilities Corporation,)
)
)
Defendant.)

Maria T. Browne
D. Van Fleet Bloys
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.,
Suite 800
Washington, D.C. 20006
mariabrowne@dwt.com
vanbloys@dwt.com

Counsel for Complainant

Thomas B. Magee
Keller and Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001
Magee@khlaw.com

Counsel for Defendant

Dear Counsel:

On February 14, 2019, the Market Disputes Resolution Division (MDRD) of the Enforcement Bureau issued a Notice of Formal Complaint, which established the schedule for this proceeding. On March 21, 2019, MAW Communications, Inc. (MAW) filed a Consent Motion,¹ in which MAW sought to extend the deadline for its Reply and Second Set of Interrogatories from March 25, 2019 to March 29, 2019, based on the travel and work commitments of MAW's counsel. Staff granted the Consent Motion on March 22, 2019 for good cause shown. On April 1, 2019, the parties filed a Joint

¹ Consent Motion for Extension of Time, Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed Mar. 21, 2019) (Consent Motion).

Motion for Extension of Time seeking to extend several additional deadlines.² The parties indicated that this further extension was necessitated by the earlier extension and would serve “the interest of maintaining an orderly process moving forward.”³ We grant the Joint Motion for good cause shown. Accordingly, the modified schedule for this proceeding is as follows:

- a. PPL shall file objections, if any, to MAW’s Second Set of Interrogatories by April 5, 2019 and shall answer any interrogatories to which no opposition or objection by April 18, 2019.
- b. The parties shall file their joint statements by April 11, 2019.
- c. An initial status conference will be held on April 26, 2019, beginning at 11:00 a.m. at the Commission.
- d. Discovery and briefing will be completed by May 28, 2019.

The original schedule for this matter, set out in the Notice of Formal Complaint, anticipated final action on the Complaint within 180 days of its filing. As we noted in that order, the Enforcement Bureau has discretion to pause the review period.⁴ In granting the parties’ Joint Motion to modify the schedule in this case, we hereby extend the anticipated date for final action on the Complaint by nine calendar days.

We issue this letter ruling under Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, Sections 1.3 and 1.720-1.740 of the Commission’s Rules, 47 CFR §§ 1.3, 1.720-1.740, and the authority delegated in Sections 0.111 and 0.311 of the Commission’s Rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION



Lisa Saks
Assistant Chief, Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission

² Joint Motion for Extension of Time, Proceeding No. 19-0029, Bureau ID Number EB-19-MD-001 (filed April 1, 2019) (Joint Motion).

³ Joint Motion at 1.

⁴ See 47 CFR §§ 1.740(b), 1.1414(a); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128 at 11133-34, para. 12 (2017) (*Wireline Infrastructure Order*); *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, 33 FCC Rcd 7178 at para. 23 (2018) (*Rule Consolidation Order*). As we noted in the Notice of Formal Complaint, we reserve the right to decide at a later time that all or part of the allegations in the Complaint are not subject to a 180-day deadline for access complaints and are instead subject to the 270-day shot clock for formal complaints. See *Wireline Infrastructure Order*, 32 FCC Rcd at 11132 n.21; *Rule Consolidation Order*, 33 FCC Rcd 7178 at para. 20.